

THE DESERET EVENING NEWS.

FIFTY-SECOND YEAR

FRIDAY, OCTOBER 25, 1901. SALT LAKE CITY, UTAH.

NUMBER 290.

FIRE IN THE HEART OF PHILADELPHIA.

Twenty-four People Lose Their Lives—Many
More Seriously If Not Fatally Hurt—
The Loss is \$500,000.

Philadelphia, Oct. 25.—A fire in which, police say, seventeen persons lost their lives, many more were seriously and perhaps fatally injured, occurred today in the heart of the business section of the city. The nine-story building at 1219 and 1221 Market street, occupied by Hunt, Willinson & Co., upholsterers and furniture dealers, and two unoccupied buildings at 1223 and 1225 Market street, were destroyed. Many other buildings were damaged and the loss is estimated to be upwards of \$500,000.

The fire started at 10:30. It is supposed to have been caused by an explosion of benzine or naphtha, which other materials used in the manufacture of furniture, was stored in the building. The flames shot up the elevator shaft and in less than five minutes every one of the nine floors of the structure was ablaze.

A WILD RUSH.
There were 220 employees, men and women, at work in the different departments at the time. Those on the second floor were the first to see the flames. Instantly there was a wild rush. The fire escaped, but owing to the highly inflammable nature of the material used by the firm, the blaze spread with remarkable rapidity, dealing death to the unfortunate men and women who were in the building. One woman leaped from one of the top floors into Market street and was instantly killed. Another was crushed to death as she was descending the fire escape in the rear of the building. Two others either jumped or fell from the fire escape and were killed. Five others who leaped from windows were picked up lying but they died on the way to the hospital.

BURIED UNDER RUINS.
While the fire escape was filled with people-stricken men and women the hall collapsed and eight persons are known to have been buried in the ruins. A few minutes later the front wall fell inward and it is not known whether any bodies are under it. If such is the case the persons were probably burned to death before the wall collapsed. When the firemen reached the rear of the building, which faces on Commerce street, a small thoroughfare, they found the street literally piled up with victims who had been carried down by the falling wall. These were hastily conveyed to the nearest hospital.

FIRE UNDER CONTROL.
At 1 o'clock the fire is still burning but under control.
A new eight-story building at 1217 Market street, as yet unoccupied, prevented the spread of the flames to the westward in which direction they were blown by the wind. Otherwise today probably Philadelphia would have witnessed the great fire in its history.
Several business houses on the south side of Market street were badly scorched but not seriously burned.

EYE WITNESSES' STORY.
Eye witnesses say the flames spread with remarkable rapidity, and that much naphtha, varnish, and other highly inflammable material was used by the firm. Employees who started down the fire escape in the rear of the building, saw the flames were visible from the street. They were compelled to jump before they traveled two stories, because of the flames breaking through the windows. The firemen who arrived with fire engines entirely to the work of saving. Nets were spread in the front yard of the building and some who were saved in this way.
Two men, one white and one colored, were rescued from the fourth story and on the fire escape with the flames around them. The white man stood up and down and appeared to be in his reason. The colored man stood for a few seconds and then fell to his death below. The white man stood on the fire escape until he

was overcome and then fell to his death in the street.
There was no fire escape on the front of the building and all employees rushed madly to the rear.

EMPLOYEE'S STATEMENT.
An employee of Hunt, Willinson & Co. made the following statement:
"The fire started in the basement at the bottom of the new freight elevator shaft. Workmen were employed adjoining adjoining the machine in an attempt to stop it. It was intended to start the elevator today.
"The first any of us on the ground floor knew of the fire was when a sheet of flame leaped upward through the shaft. Every one at once rushed out through the rear. There had been an explosion. Almost instantly the flames spread throughout the building and there was a possible means by which the people on the upper floors could escape except by jumping."
From the rear of the building all the women and men employed in the department of Public Safety English was in the seventh floor leaped to the ground. All were more or less injured, some fatally.

One woman was leaped from a window of an awning pole and her body was born almost in half. The corpse hung in the air many minutes before the firemen could recover it. The dense smoke was responsible for the loss of many lives. Firemen stood on the pavement with life nets spread ready to catch those who jumped but both victims and life-savers were so blinded they could not see each other. A fireman of Public Safety English was one of the first on the scene, directing the work of rescue. He expressed the fear that many bodies are buried in the center of the ruins and he believes it will be days before all the bodies are recovered.

NEW ESTIMATE OF THE DEAD.
At 2 o'clock reports from various sources led Director English to estimate the number of dead at nineteen.
No attempt to search the ruins can be made before tonight. The largest retail stores of the city are located in the neighborhood of the fire and there was great excitement in all these places. Until the walls of Hunt, Willinson & Company's establishment fell in, the fire department power could stop the spread of the flames.
At John Wannamaker's store hundreds of men manned the fire apparatus and stood ready to battle the flames which threatened the establishment. Other stores ordered the female employees to their homes and the men got the books and records to places of safety.

IDENTIFIED BODIES.
Shortly before 3 o'clock the men at work in the ruins uncovered four bodies that could not be identified.
It was stated at 3 o'clock that twenty-four are known to be dead. Only three have been identified as follows:
Susan Gormly, aged 42 years, died at hospital.
Fred Whittemore, aged 30, died on way to hospital.
Henry A. Sparrow, died on way to hospital.
Dolly Cramer, supposed to be killed.
INJURED.
William Shields, assistant foreman of engine company No. 17, blown off ladder, concussion of the brain, twenty scalp wounds, condition critical.
Joseph Toner, hosenan of engine company No. 13, inhaled smoke, serious, but not expected to die.
A boy and a woman were not yet identified.

BIG OIL FLOW FOR UTAH MEN.

W. S. McCornick, Simon Bamberger, Mayor Thompson, Josiah Barnett and J. D. Wood Get Good News From Los Angeles.

News of a big oil strike in the Salt Lake Oil company's property has just reached the city from Los Angeles, California. It has caused no little excitement among the principal shareholders, who consist of J. D. Wood, W. S. McCornick, Mayor Ezra Thompson, Simon Bamberger and Josiah Barnett. Wood, to whom the news came from Fred Mitchell, was bearing the glad tidings to each of the above gentlemen today. "It is not so much the success of the venture in a financial way," said Mr. Wood today, "but I feel pleased that my first venture in oil has turned out as I expected."

The company was organized last year as the result of Mr. Wood's visit to the California oil field. In March of 1900 he in company with Fred Mitchell, inspected the Los Angeles field and selected a well site about four miles from the city. The land was owned by Mrs. Hancock and was used for agricultural purposes, being on the whole well suited to raising crops. On the property was found very extensive deposits of oil. In places cattle had mired in the land around the seepages

and their bones lay exposed. It was this farm of 1,000 acres which caught Mr. Wood's eye, and he immediately began negotiations for its purchase. A difficulty was presented, however, for the lady who owned it wanted \$10,000, spot cash before she would allow prospecting to begin. Mr. Wood returned to Salt Lake and conferred with the above named gentlemen, who joined him in the enterprise. The money was telegraphed to Mrs. Hancock and the work of sinking was started under Fred Mitchell's direction. At that time there was not an oil derrick nearer than a mile. The first attempt to get oil was thwarted by the excessive gas pressure which bent the pipe when the well was down a little over 1100 feet. The well was abandoned and a new one started in the sinking of which very heavy 4-inch casing was used. As the well neared the 1,000 level indications became very favorable but it was not before the depth of 1,241 feet was reached that Mr. Mitchell notified the local shareholders that he had a big well. The flow is said to be several inches thick and the oil is said to be very light. An analysis had not been made when Mr. Mitchell sent the news of the strike but the particulars as to the composition of the oil are promised later.

PRIEST VISITS CZOLGOSZ.

Rev. Murderer is a Christian If He Has Renounced Christianity.

St. Ignace, N. Y., Oct. 24.—Leon F. Czolgosz, the murderer of President McKinley, was visited in his cell in Alcatraz prison today by Father Fudinski. The visit was made at the request of the condemned man. Father Fudinski spent an hour with the assassin. When he emerged he was asked by an Associated Press reporter if Czolgosz had renounced anarchy and embraced Christianity. He replied: "He is a Christian. He was born a Christian and although he may have renounced Christianity, he is a Christian. I think this is all I will say."

Father Fudinski is pastor of Corpus Christi church of Buffalo.

UTAH SHEEPMEN LOSE IDAHO CASE.

Demurrer Made by Defendants
Sustained by Court.

SUPREME COURT OPINION

Inducement Decision—Flocks Must Be Grazed in Utah or in Idaho—Local Sheepmen Disappointed.

The famous Idaho-Utah sheep case which involved Jesse M. Smith and others vs. Thomas G. Lowe, state sheep inspector of Idaho and his deputies was decided last yesterday afternoon by Judge Beatty in Boise against the Utah men. The action was the outcome of an attempt on the part of Idaho officials last spring to prevent Utah sheep men from grazing their flocks on the public domain in Oneida county, Idaho, by seizing them and holding them under quarantine. The plaintiffs sought an injunction to restrain the inspector and his deputies from enforcing Governor Hunt's quarantine proclamation and Judge Beatty, of the federal court, issued a limited restraining order on March 30th last deciding that "holding clean bills of health from the federal sheep inspector was sufficient to entitle Utah sheep to graze on the public domain of Idaho, and that the Idaho sheep inspection law was void from being contrary to the interstate commerce act." The defendants interposed a demurrer and as it went to the merits of the case the last decision of Judge Beatty in favor of the Idaho men disposed of it. This decision practically ends the case for it was rendered in accordance with two recent decisions of the supreme court of the United States. It means that Utah sheep owners must keep their flocks altogether in one state or the other. They can not graze them at certain seasons in Utah and during other seasons in Idaho.

Judge Beatty set forth in his decision that the right of citizens of one state to drive sheep into another is admitted, and it is also admitted that the state in the exercise of its police power may establish quarantine regulations. The plaintiffs, however, claimed that under the guise of quarantine the state of Idaho was virtually denying their rights according to the interstate commerce provision of the federal legislation. Judge Beatty said that the important point in the case then, was who shall determine when the state has used its police power in good faith, and the decision rests with the federal legislation. Judge Beatty said that the important point in the case then, was who shall determine when the state has used its police power in good faith, and the decision rests with the federal legislation. Judge Beatty said that the important point in the case then, was who shall determine when the state has used its police power in good faith, and the decision rests with the federal legislation.

"The result of their inspection was that the sheep were found practically free from disease and they were admitted. The simple facts in this case are that the sheep were not so diseased as to justify their exclusion. To have excluded them or to have even encountered their admission by unnecessary regulations would not only be a mistake, but also the denial of the state's right which any citizen of the government has of transporting his property wherever he will, regardless of state lines."
Judge Beatty then points out that since the commencement of this action at law the supreme court of the United States has rendered two opinions which it is necessary to follow. In the Rasmussen case and that of Smith vs. the St. Louis and Southwestern Railway company. Continuing the judge said:

"These decisions do not say that a federal court may not, in such cases, entertain jurisdiction for the purpose of determining the good faith of the law and its enforcement, while in the one case it is said that such a law cannot be made a mask to shield a violation of the interstate commerce constitutional provision in both, there is an indication of action which the court may take jurisdiction and the demurrer therein is sustained."
Some Utah sheepmen were seen today and expressed great disappointment that the case should have gone against them for it is generally the opinion that an appeal, if one were made, would not result satisfactorily. Ex-Senator Brown, James H. Moyle and Lindsay R. Rogers, the plaintiffs' attorneys, were not to be seen this morning and it could not be ascertained whether or not the \$24,475 damage case recently began in local courts will be affected by the decision of Judge Beatty.

PIONEER DAUGHTERS.

Initial Gathering of the Society Yesterday Afternoon.

The Society of Daughters of Utah Pioneers met yesterday at the residence of Mrs. George D. Pyper, the meeting being, with the exception of the initial gathering at the date of organization, the most important that has yet taken place. An exceptionally interesting program was provided by the committee, consisting of a short talk by Hon. Joseph Kimball, an address by Bishop O. F. Whitney and delightful musical renditions by Miss Sybilla Clayton, Mrs. Florence Dinwoodey and Mr. George D. Pyper ending with a recitation excellently given by Miss Carina Thatcher. Mr. Kimball spoke first congratulating the members upon the organization of the society, and speaking enthusiastically of its object and probable future. The chief feature of the afternoon was the address by Bishop O. F. Whitney who gave an extremely interesting sketch of the efforts of the Pioneers in settling and civilizing the desert wastes. He quoted from a speech made by Daniel Webster in Congress at the time of a discussion of a proposed mail route to the Pacific coast, in which he seconded the idea of the desolate western tracts ever being of use to the United

States, and declared that he would never vote one cent to bring the Pacific coast nearer Boston. If the project of colonizing the untrodden wastes appeared in so hopeless a light to one of the clearest minds of the time, said the speaker, what must it have been to the majority, and to those who knew by actual experience, the difficulties of the task. The picture that Webster drew was true, though his inference was not. It was just such a picture of desolation that he pictured that the Utah pioneers viewed from the mountains when they first caught sight of this valley. Of the emigrants who crossed the prairies to the coast none wanted to stay in this region, they all passed it by. There was nothing to attract any of the swarms of settlers traveling to Oregon and California. Yet in spite of all that had been said against the place both by those ignorant of it and those who had viewed with actual sight, when President Young laid eyes upon the valley he hesitated not a moment in declaring that this was the spot where the exiled people should pitch their tents. He quoted those who hearing that Latter-day Saints were seeking a dwelling place in the Rocky Mountains declared that not an acre of corn nor grain of wheat could be raised in the region, and then recited briefly the experience of the Pioneers in making the valley fertile. He gave interesting details of those who had seen this region before the Pioneers, beginning with General Cardenas, a Spanish general, dispatched from Mexico in 1540 with twelve men to explore the Mogul villages, and who reached this locality. In 1776 Escalante, a Spanish monk, started from Santa Fe to find Monterey, and on his journey camped on the shores of Utah Lake. The Indians told him of a strange dead sea to the northward, but he did not see it. The next to visit this region probably were the trapping and hunting parties. Cache valley takes its name from the trappers, beginning with Col. James Bridger, who was probably the first white man to visit the valley and see the waters of the Great Salt Lake. Bonneville crossed the Rockies in 1832, and the lake was for a long time called Bonneville. The discovery of the region which the Washington living afterward made the subject of a story. Fremont, called the "Pathfinder" by Fenimore Cooper, gave the name of the Great Basin to the valley. Bishop O. F. Whitney called a misnomer. Kit Carson, the famous scout, was with Fremont's party. A brief description of the route and fate of the Donner party was given and then the Utah sheep owners must keep their flocks altogether in one state or the other. They can not graze them at certain seasons in Utah and during other seasons in Idaho.

NO CLERK FOR CALLISTER.
Commissioner of Internal Revenue Has So Inform Senator Kearns.
Reason is That Business of Salt Lake Office Does Not Warrant an Addition.
[Special to the "News."]
Washington, D. C., Oct. 25.—Commissioner Yerkes of the internal revenue, notified today Senator Kearns that he is unable to grant his request for the appointment of an additional deputy for the collector of internal revenue at Salt Lake, as the business of that office at present does not require any addition in force.

R. G. TAYSON CRITICALLY ILL.

Well Known Newspaper Man Stricken Down With Locomotor Ataxia.

R. G. Tayson, a well known Salt Lake newspaper man, and for several years a member of the Tribune reporter staff, and previously a Herald reporter, lies critically ill at his home on Bridgeport street, and his condition is such that his family and friends are apprehensive as to the outcome. Mr. Tayson has been ill for several days ago with an attack of locomotor ataxia, and his condition has been growing rapidly worse ever since. Although his condition is unpromising his friends heartily hope for his speedy recovery.

MUELLER LEASES BUILDING.

Crane Building to Undergo Extensive Remodeling.

George Mueller of the Royal bakery has just completed arrangements with Charles Crane, whereby he becomes lessee of the latter's bakery at 222 south Main street for ten years. The property mentioned is a three story brick and stone building and was formerly occupied as a bank building, and is now used for a retail grocery. Mr. Mueller intends to entirely remodel the first floor on plans outlined by Architect Kietling and approved of by Mr. Crane. These improvements will consist of lowering the first floor six or seven feet to the level of the sidewalk and in building a balcony on three sides of the room thus made, which will have an extremely high ceiling. This room will be used for a retail grocery and the balcony will be divided into semi-private dining rooms, and will be handsomely fitted up. The contemplated improvements, which will be begun at once, are possible, the architect, including the first of February, include besides the erection of a two-story brick building in the rear for kitchen and storage purposes. This building will be 26x60 feet and the cost of it and the other changes will amount to considerably over \$10,000.

STATE PHARMACEUTICAL BOARD.

The State Pharmaceutical board met in the city and county building today to consider applications for registration in pharmacy. There are to be examinations before the board adjourns tomorrow, but at present there have been four appearances only. Dr. Geo. H. Fenimore presided at the session today and Secretary McCoy will tomorrow give out the names of those who may prove to be successful in passing examinations.

Revolutionists Take Tumaco.

New York, Oct. 25.—According to the Herald article received in this city from Colombia to the effect that the revolutionists have taken the town of Tumaco, on the Pacific coast, near the Ecuadorian frontier and are now in Buena Ventura. The cablegram also says that yellow fever is epidemic in Buena Ventura.

REGISTRATION INSTRUCTIONS.

They Were Sent Out in a Circular Letter by Clerk James Today.

THE COURSE TO FOLLOW.

Will Be a Big Rush of Taxpayers in Treasurer Dale's Office Soon—Joint Building News.

"It has been represented to the board of county commissioners," says County Clerk James in a circular letter which he is sending out to registrars today, "by some of the registry agents, that they have understood paragraph 2 of the letter of instructions, to mean that where a voter in a city receives a certificate of transfer, he can remove from one precinct to another within sixty days of an election, and have his name placed on the registry list in the district in which he moves. Your attention is directed to the fact that the paragraph referred to is not susceptible of this construction. A registry agent must not place on the list the name of a person not entitled to vote in his district. The state Constitution provides (article IV, section 2), as a qualification to vote, residence in the precinct sixty days next preceding any election." Salt Lake City is divided into five precincts (except for the purposes of electing justice of the peace and constable, and registry agents will not place names on the list in violation of the constitutional provision herein quoted. Your special attention in regard to this point, is called to the closing sentence of paragraph 2 of the letter of instructions. The paragraph in question was pointed out today as having been incorrectly interpreted by the registry agents. A letter of instructions previously mailed to registrars and reads as follows:

"Your attention is invited to the fact that under section 813 of the Revised Statutes of 1898, as amended by the session laws of 1901, any person already registered in one district, who at any time prior to the election, moves from such district to any other district within the precinct (or city) is entitled to have his name placed on the registration list in the district to which he moves, upon presenting to the registry agent the certificate therein mentioned; that is to say, a person already registered in one district may move from such district to any other district within the city, whether such district be within the same precinct (or municipal ward) or not, and be entitled to have his name registered in the district to which he moves; provided he is entitled to vote in that district."

RUSH COMING.

Treasurer Wm. H. Dale is prepared for the big rush of taxpayers to his office, which is expected to come at any time now. His force of deputies and clerks is expected to be greatly increased by the big influx of taxes, which will be the last day of grace approaches, comes on the treasurer's office, which is expected to come at any time now. His force of deputies and clerks is expected to be greatly increased by the big influx of taxes, which will be the last day of grace approaches, comes on the treasurer's office, which is expected to come at any time now.

LOWERING PIPES.

Supt. Hines of the waterworks department has begun the work of lowering water pipes upon newly graded streets in the north part of town and anticipates a rapid completion of the work with the force of men at his command. The sinking of the pipes is made compulsory by the cutting down of the street grades and the consequent necessity of lowering the water mains below the frost line.

WELL PAID UP.

Street supervisor Condie's department is well along with the work it has had in hand, and he expects that Salt Lake's poll tax is already well paid up, relieving the officers of much work of collection formerly made necessary by the large number of delinquent names which were frequently upon the lists at this time of the year.

BURNING CARCASSES.

Water Commissioner Westervelt has a number of his deputies at work today burning up the carcasses of thirty head of sheep which were killed by wolves while being driven over Big mountain west from East canyon. While bedded for the night on the mountain the wolves came down and killed the sheep with the result that thirty of the producers were killed. The herdsmen are required by law to make disposition of their dead animals, but in this case the carcasses are left where they fall. While the herd passes on, it is the duty of Mr. Westervelt to be obliged to burn the carcasses as a sanitary measure.

COUNTY POLL TAX.

Acting under direction of the county commissioners the county clerk is sending out instructions to road supervisors in Salt Lake county to proceed immediately with the collection of poll tax, either in work or in cash. The law requires the payment of this obligation between April 1 and November 1 of each year, and the supervisors are urged to a performance of their duty in this respect.

WARRANT FOR INTEREST.

City Auditor Reiser today drew a warrant in the sum of \$20,000 to pay the semi-annual interest on the bonds of the issue of May 1, 1894. The cash is due in New York on Nov. 1, and the warrant will be started for its destination this afternoon by Treasurer Morris.

MISS GATES' SUCCESS.

Major Pond Sends a Very Complimentary Telegram.
Major Pond, the well known manager, wires Mrs. Susa Y. Gates, in the following enthusiastic terms of her daughter's singing at a special recital just given by her in Jersey City:

ADMIRAL SCHLEY CONTINUES HIS STORY

Considered Department Orders About Spaniards at Santiago as Suggestion, Not Mandatory—Plan of Attack.

Washington, Oct. 25.—In the Schley court of inquiry today Admiral Schley continued his recital of the narrative regarding his conduct during the Spanish war. When the court adjourned yesterday he had covered most of the points of the campaign previous to the beginning of the Santiago blockade, leaving that blockade, the reconnaissance of May 31, the battle of Santiago, and the famous loop of the Brooklyn yet to be told. The admiral notwithstanding the strain of yesterday appeared fresh and in good condition for the work before him. Admiral Dewey rapped for order promptly at 11 o'clock. The courtroom was crowded as it never has been before. Persons without tickets arriving after 10 o'clock were either compelled to accept standing room in the rear of the hall or to leave the building without hearing the proceedings as many of them did. As was the case on yesterday Admiral Schley was thoroughly self-possessed, and he again spoke clearly and distinctly, so that his words were heard throughout the hall.

WITNESSES RECALLED.

Previous to Admiral Schley's appearance on the stand the witnesses of yesterday were recalled for the purpose of correcting their testimony. The first of these witnesses thus called was Lieut. Commander Harlow, of whom the court asked a question concerning the activity in the harbor at Santiago on the evening of July 2. The reply to this question had the effect of causing Judge Advocate Lemly to enter upon a line of questions. The court's question was as follows:

"Did the Vixen carry a verbal report from Commander Schley to the commander in chief July 2, that there was unusual activity shown by the enemy in the harbor?"

To the best of my recollection the officer on the quarter deck of the Brooklyn on the night of July 2 such a message as that and to the best of my belief did, as she usually did, carry such messages to the flagship and to other vessels of the squadron."

"It is a matter entirely of recollection, and a good recollection—I was." "Were you present or do you know that such message was delivered to the commander-in-chief, and if so by whom delivered?"

VIXEN'S LOG EXHIBITED.

The judge advocate then exhibited the log of the Vixen and asked the witness to examine it and determine whether there was any entry there in relation to the message in question. This service. He said there was one entry which showed that on July 2 there was a distribution of mail by the Vixen and this, he said, showed that he had made a trip up and down the line.

"At what time was the message received?" asked Capt. Lemly.

"Early in the evening," he replied. "I should say in the first watch."

He added in response to a question that he had kept a diary of the campaign, but said that it was in Boston. Capt. Lemly asked him to get it and he promised to do so. The Vixen's log was constantly going on errands and that record was made of comparatively few of these in the boat's log.

Capt. Clark was also recalled for the purpose of correcting his previous statements, but no questions were asked him and he was soon excused.

SCHLEY RESUMED HIS STORY.

Admiral Schley then took the stand and resumed his story.
With the court's permission he said he would go back to Cienfuegos in order that his narrative might be clear. Recalling the McCalla memorandum, he said he received but one copy. It there had been another he said, it should be in the papers which were returned to the navy department in January of 1898. He said he had not been bothered by the earthworks at Cienfuegos because he was convinced that such bombardment would be unavailing. Subsequent experience in the war, he thought, bore out this opinion. Admiral Schley was proceeding to say that dispatch No. 10, concerning the dispatch contained positive information that the Spanish fleet was in Santiago and was not received by him until June 30, when the dispatch objects objected.

LEMLY OBJECTS.

Capt. Lemly—If the court please, I reserve my right to be compelled to make objection to this character of testimony, but I understand from the court itself that it wants facts.
Admiral Schley (softly voice)—Well, these are facts.
Capt. Lemly—I do not understand this witness is here for the purpose of making an argument and I do not think this character of testimony from a witness even on the stand to his own behalf is a matter of testimony.
Mr. Raynor contended that Admiral Schley was not giving opinions; that he was simply testifying to facts within his knowledge.

STATEMENT EMINENTLY PROPER.

"After some further staring the members of the court held a consultation without leaving the room and Admiral Dewey announced its decision as follows:
"The court is of the opinion that it is eminently proper for the witness to make the statement that the dispatch was dated May 27 and not received until June 30, then drop it, just give the facts."
To this Admiral Schley responded that this was all he had intended to do. Thirteen days had elapsed before he received the dispatch.
Proceeding, Admiral Schley testified that he believed that Capt. Cotton's statement regarding the dispatch was correct. He said that he had been positively whether the Spanish fleet was in Santiago was somewhat faulty and he detailed some facts relating to the dispatch which fixed his own impression of it in his own mind. On

May 31, after the bombardment of the Colon and after Capt. Cotton had gone for Mole St. Nicholas with a report to the department upon that subject, Admiral Schley testified that he sent Nunez, the pilot, westward to communicate with the insurgents. Nunez landed near Ascerederos, fifteen or sixteen miles west of Santiago, and joining some of the Cuban insurgents, went into the interior. He returned June 1 or 2 with detailed information of the location of the Spanish ships in the harbor.

THE RETROGRADE MOVEMENT.

The witness then returned to the retrograde movement, saying: "Touching the question of the retrograde movement after the Merrimac had broken down, the movement was not made to the westward until toward 9 o'clock, the Yale having had considerable difficulty in getting a hawser to her. That hawser parted about 11 o'clock. That night, I was signaled by Capt. Wise, of the Yale, that it would take about four hours to break out a steel hawser. The ship at that time was absolutely unmanageable. I do not think we got under way again until four o'clock of the afternoon of the 27th. The admiral also said that he was in tow, stemming to the westward. We went a little further than I had intended on account of the difficulty in getting the hawser to her. As soon as the sea calmed down and in my judgment it was not possible to have calmed, as I said, and I watched the condition of the conditions which I mentioned, and was a better judge of that than any other officer of the fleet because I was more interested in it. I signaled to Capt. Philip asking him if he could coal and I watched the indicators precisely that he was unafraid that it for he signaled back to me 'I can try.' The impression left upon my mind was that at that time even he was unafraid that it for he signaled back to me 'I can try.'"

Continuing, he said that even as late as the following morning Philip had signaled that both the Texas and the Merrimac had sprung a leak.
The admiral also testified to the extreme heat, saying it was so great that the men were exhausted and the doctors had recommended that on this occasion cooling operations be suspended. Regarding the McCalla memorandum, he said that he had received the narrative up to Santiago and he said that connection that he had regarded the probable presence of the Spanish fleet at Santiago as more of a suggestion than a definite report. He considered that it would take only a little while to set back in any event. Also he repeated that the proper military maneuver would be to proceed to ward the bases at Havana and Key West.

ARRIVAL AT SANTIAGO.

He had arrived with the squadron off Santiago at about 7 o'clock p. m., May 28, he said, and had then taken up his position five or six miles out, after holding the fleet in formation until about midnight. He informed the first night sent the Marched close in with instructions to keep close watch on the mouth of the harbor. That night he had, he said, noticed the signals on the shore which he thought the enemy had also observed at that time. Lights on the lower plans which he had since become convinced were from the Colon lying in the harbor.

COLON DISCOVERED.

The next day he had discovered the presence of that Spanish vessel as he had also that of the other enemy war vessels. He said that when he was thus secured irrefutable proof on the fact that the vessels were there and that Capt. Sigbee of the fact, that officer expressed surprise. It was at this point that he saw the dispatch to the department giving absolute information of the presence of the Spaniards and Sigbee had carried this message to Mole St. Nicholas.

BLOCKADE FORMED.

Admiral Schley said that after locating the fleet in Santiago he testified that he formed the blockade in the mouth of the harbor. He said that the squadron could be utilized for such duty. The ships were in column broadside on to the entrance of the harbor, so that a simple turn of the wheel would bring them in line if the enemy appeared. He called the captains of the ships aboard and explained his idea of the blockade to them and also his general plan of attack. His plan was to attack the fleet from the column first and capture and cripple each in turn.

PLAN OF ATTACK.

The picket boats were to be used as torpedo boat destroyers. The ships were to maintain so as to be capable of twelve knots. The fleet steamed back and forth before the entrance of the harbor. More castle, he thought, was at no more than five miles away. He judged this by the distance which he could see the surf. The bottoms of all the ships were foul, perhaps a knot or a knot and a half slower than they should have been. The admiral explained how the fleet steamed back and forth, using the bold headlands at night to determine their position with the picket boats always inside. Every night except when rain ensued occurred, and they were usually in the harbor. The admiral testified that he could see the pickets either with the naked eye or with night glasses. He never went to bed without looking for them and there was not a night when he could not distinguish the land and the Morris.

RECONNAISSANCE OF MAY 31.

Coming to the reconnaissance of May 31, Admiral Schley testified that the Mahabead and the Texas were coming I transferred my flag to the Massachusetts and determined I would develop fortifications because of information which he had from the hydrographic office which fixed his own impression of it in his own mind. On